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OFFICE OF PETITIONS

In re Application of :
Hickman, Paul L. :
Application No. 10/751,334 : **ON PETITION**
Filed: December 30, 2003 :
Attorney Docket No. 59147-8002.US02 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed November 16, 2006, to revive the above-identified application.

The petition is **GRANTED**.


The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a Request for Continued Examination (RCE) and an Information Disclosure Statement (IDS); (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the response has been accepted as having been unintentionally delayed.

35 U.S.C. 41(a)(7) and 35 U.S.C. 151 each require payment of the issue fee as a condition of reviving an application abandoned for failure to pay the issue fee. Therefore, the filing of a continuing application without payment of the issue fee is not an acceptable reply. However, since petitioner did give authorization to charge any additional fees necessary to Deposit Account No. 50-3539, the \$700.00 issue fee will be charged.

Petitioner is advised that, once submitted, the issue fee cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

This matter is being referred to Technology Center 3700 for processing of the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3282.


Liana Walsh
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.